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WASHINGTON, DC 20001-4413

EXAMINER

VAN BRAMER, JOHN W

ART UNIT	PAPER NUMBER
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3622

MAIL DATE	DELIVERY MODE
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04/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/996,944	Applicant(s) CHANDAK ET AL.	
	Examiner John Van Bramer	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-11,15-21 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-11,15-21 and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on February 1, 2008 cancelled claims 35 and 36. No new claims were added, and Claims 10, 20 and 30 were amended. Thus, the currently pending claims considered below are Claims 1, 5-11, 15-21, and 25-34.

Claim Rejections - 35 USC § 112

2. The amendment filed on February 1, 2008 has failed to overcome the 35 U.S.C. 112, first paragraph rejection of claims 31-35 raised in the Office Action dated November 1, 2008, thus the rejection is maintained. The applicant has pointed to the applicants specification, paragraphs [32]-[41] in conjunction with the figures and pending claims in order to support the written description requirement. The examiner points out the currently pending claims contain limitations that were not disclosed in the original specification, original figures and the original claims. The currently pending claims can not be used to overcome the written description requirements of 35 U.S.C. 112, first paragraph. However, the examiner has once again reviewed the specification, paying special attention to the applicant's cited sections, the figures and the original claims. There does not appear to be support for Claims 31-34 which require that a first amount of reward points that is to be associated with a financial account is provided, after a payment is received, a second amount of reward points is determined and provided to the account, then

modifying a third amount of reward points based on the second amount in order to generate a fourth amount of reward points which is then provided to the account. Instead, the cited section of the applicants specification discloses providing a first amount of reward points to the account (e.g. paragraph [0039] discloses the first amount of reward points being 2000 points), then determining an adjustment to the first amount of reward points based on the received payment amount (e.g. Paragraph [0040] discloses reducing the 2000 points by 10 points for every day a payment is late, or increasing the 2000 points by 10 points for every week the payment is received before the due date). The cited sections also include adjustments to the first amount based upon the amount of payment. This adjustment is also applied to the first amount. When a payment over a minimum payment due is received, paragraph [0040] discloses increasing the 2000 points by 5 points for every \$25 dollars that is received above the minimum payment due amount. The disclosure supports situations in which either an early, or late payment is received and payments above and below a minimum amount are received. Thus a first amount (2000 points) is supported, and a second amount (-10 points for a payment in which is late by one day) is supported, and a third amount (+5 points for paying \$25 more than the minimum. This would result in a total of 1995 points being provided. However, Claim 31 requires that a modification of the third amount of reward points be based on the second amount of reward points which generates a fourth amount of reward points. This is clearly not supported by the specification.

All adjustments disclosed in paragraphs [32]-[41] are done based upon modifications of the first reward.

3. The amendment filed on February 1, 2008 has cancelled claims 35 and 36. As such, the cancellation of the claims has overcome the 35 U.S.C. 112, first paragraph rejection of claims 35 and 35 raised in the Office Action dated November 1, 2008, thus the examiner hereby withdraws the rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 7-11, 17-21, and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (U.S. Patent Number: 6,018,718).

Claims 1 and 7: Walker discloses a method for managing a financial account for a consumer, comprising:

- a. Providing the financial account to the consumer. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- b. Providing a reward incentive parameter that indicates a predetermined amount of reward points to associate with the financial account based on a predetermined

payment amount to the financial account. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60; Col 9, lines 1-55)

- c. Receiving a payment for a particular amount to the financial account. (Col 6, lines 15-29; Col 6 lines 48-56; Col 7, line 61 through Col 8, line 12; and Col 9, line 56 through Col 10, line 27)
- d. Determining an amount of reward points to provide to the financial account based on the reward incentive parameter and the received payment amount, wherein determining the amount of reward points includes reducing the determined amount of reward points based on a determination that at least one of the received payment amount is below a minimum payment amount or the received payment was received after a payment due date. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67; Col 9, lines 1-55; Col 10, lines 3-13; Col 11, lines 1-12 and Col 11, lines 32-44)
- e. Providing the determined amount of reward points to the financial account. (Col 10, lines 3-13)
- f. Adding the provided amount of reward points to a reward point balance to generate an updated reward point balance, wherein the updated reward point balance can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47, Col 10, lines 3-13, and Col 11, lines 1-12)

Claim 8: Walker discloses the method of claim 7, wherein the reward distribution parameter is based on a financial risk associated with a customer corresponding to the financial account. (Col 7 lines 13-50)

Claim 9: Walker discloses the method of claim 8, wherein the reward distribution parameter is adjusted based on a change in the financial risk associated with the customer. (Col 8, lines 51-60)

Claim 10: Walker discloses the method of claim 1, further comprising: determining whether a customer corresponding to the financial account is eligible for one or more consumer goods based on the determined amount of reward points associated with the financial account; and providing an indication to the customer reflecting a result of the determining whether the customer is eligible for the one or more consumer goods. (Col 9, lines 36-55)

Claim 11: Walker discloses a system for managing a financial account for a consumer, comprising:

- a. Means for providing the financial account to the consumer. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- b. Means for providing a reward incentive parameter for the financial account that indicates a predetermined amount of reward points to associate with the financial account based on a predetermined payment amount to the financial account.

(Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60; Col 9, lines 1-55)

- c. Means for receiving a payment for a particular amount to the financial account.

(Col 6, lines 15-29; Col 6 lines 48-56; Col 7, line 61 through Col 8, line 12; and Col 9, line 56 through Col 10, line 27)

- d. Means for determining an amount of reward points to provide to the financial account based on the reward incentive parameter and the received payment amount, wherein the means for determining the amount of reward points includes a means for reducing the determined amount of reward points based on a determination that at least one of the received payment amount is below a minimum payment amount or the received payment was received after a payment due date. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67; Col 9, lines 1-55; Col 10, lines 3-13; Col 11, lines 1-12 and Col 11, lines 32-44)

- e. Means for providing the determined amount of reward points to the financial account. (Col 10, lines 3-13)

- f. Means for adding the provided amount of reward points to a reward point balance to generate an updated reward point balance, wherein the updated reward point balance can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47, Col 10, lines 3-13, and Col 11, lines 1-12)

Claim 17: Walker discloses the system of claim 11, wherein the means for determining an amount of reward points further comprises: means for determining the amount of reward points to associate with the financial account based on the amount of the received payment and a reward distribution parameter. (Col 7, lines 61-67 and Col 11, lines 32-44)

Claim 18: Walker discloses the system of claim 17, wherein the reward distribution parameter is based on a financial risk associated with a customer corresponding to the financial account. (Col 7 lines 13-50)

Claim 19: Walker discloses the system of claim 18, wherein the reward distribution parameter is adjusted based on a change in the financial risk associated with the customer. (Col 8, lines 51-60)

Claim 20: Walker discloses the system of claim 11, further comprising: means for determining whether a customer corresponding to the financial account is eligible for one or more consumer goods based on the determined amount of reward points associated with the financial account; and means for providing an indication to the customer reflecting a result of the determining whether the customer is eligible for the one or more consumer goods. (Col 9, lines 36-55)

Claim 21: Walker discloses a computer-readable medium including instructions for performing a method, when executed by a processor, for managing a financial account for a consumer, the method comprising:

- a. Providing the financial account to the consumer. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- b. Providing a reward incentive parameter for the financial account that indicates a predetermined amount of reward points to associate with the financial account based on a predetermined payment amount to the financial account. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60; Col 9, lines 1-55)
- c. Receiving a payment for a particular amount to the financial account. (Col 6, lines 15-29; Col 6 lines 48-56; Col 7, line 61 through Col 8, line 12; and Col 9, line 56 through Col 10, line 27)
- d. Determining an amount of reward points to provide to the financial account based on the reward incentive parameter and the received payment amount, wherein determining the amount of reward points includes reducing the determined amount of reward points based on a determination that at least one of the received payment amount is below a minimum payment amount or the received payment was received after a payment due date. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67; Col 9, lines 1-55; Col 10, lines 3-13; Col 11, lines 1-12 and Col 11, lines 32-44)

- e. Providing the determined amount of reward points to the financial account. (Col 10, lines 3-13)
- f. Adding the provided amount of reward points to a reward point balance to generate an updated reward point balance, wherein the reward point balance can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47, Col 10, lines 3-13, and Col 11, lines 1-12)

Claim 27: Walker discloses the computer-readable medium of claim 21, wherein determining an amount of reward points further comprises: determining the amount of reward points to associate with the financial account based on the amount of the received payment and a reward distribution parameter. (Col 7, lines 61-67 and Col 11, lines 32-44)

Claim 28: Walker discloses the computer-readable medium of claim 27, wherein the reward distribution parameter is based on a financial risk associated with a customer corresponding to the financial account. (Col 7 lines 13-50)

Claim 29: Walker discloses the computer-readable medium of claim 28, wherein the reward distribution parameter is adjusted based on a change in the financial risk associated with the customer. (Col 8, lines 51-60)

Claim 30: Walker discloses the computer-readable medium of claim 21, the method further comprising: determining whether a customer corresponding to the financial account is eligible for one or more consumer goods based on the determined amount of reward points associated with the financial account; and providing an indication to the customer reflecting a result of the determining whether the customer is eligible for the one or more consumer goods. (Col 9, lines 36-55)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-6, 15-16, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (U.S. Patent Number: 6,018,718).

Claim 5: Walker discloses the method of claim 1, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value (Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a minimum payment amount. Walker does however indicate that the

extent of monthly payments is a valid criteria for performance rewards (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which a minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use a minimum payment amount as the targeted performance criteria in order to provide those customers with large balances an incentive to reduce their outstanding debt and therefore reduce the companies risk exposure.

Claim 6: Walker discloses the method of claim 1, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value ((Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claim 15: Walker discloses the system of claim 11, wherein the means for determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value (Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a minimum payment amount. Walker does however indicate that the extent of monthly payments is a valid criteria for performance rewards (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which a minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use a minimum payment amount as the targeted performance criteria in order to provide those customers with large balances an incentive to reduce their outstanding debt and therefore reduce the companies risk exposure.

Claim 16: Walker discloses the system of claim 11, wherein the means for determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value ((Col 11, lines 11-32), but does not explicitly state that the performance value is based upon the payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a

targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claim 25: Walker discloses the computer-readable medium of claim 21, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value (Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a minimum payment amount. Walker does however indicate that the extent of monthly payments is a valid criteria for performance rewards (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which a minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use a minimum payment amount as the targeted performance criteria in order to provide those customers with large balances an incentive to reduce their outstanding debt and therefore reduce the companies risk exposure.

Claim 26: Walker discloses the computer-readable medium of claim 21, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their

designated performance value ((Col 11, lines 11-32), but does not explicitly state that the performance value is based upon the payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Response to Arguments

8. Applicant's arguments filed February 1, 2008 have been fully considered but they are not persuasive.
 - a. The applicant argues that the Office Action dated November 1, 2007 is legally deficient and should be withdrawn because Claims 31-36, were not rejections under 35 USC 102, or 35 USC 103 and indication of allowable subject matter was not indicated. However, MPEP 2163, states that the inclusion of 35 USC 102 or 35 USC 103 rejections with a 35 USC 112, first paragraph written description should be performed but that any perceived failure by Office personnel to follow these Guidelines is neither appealable nor petitionable. In the instant case it was not possible to apply prior art to formulate a 35 USC 102 or 35 USC 103 rejection without a clear understanding of the applicant's

amended claims via a written description. The newly amended claims 31-34 disclosed four different reward amounts that are manipulated based upon one another and then credited to a user. Without a clear understanding of the applicant's intentions (i.e. a written description of the embodiment) the examiner is unable to determine whether the invention falls within the scope of the inventions currently being prosecuted or whether a restriction requirement is necessary. Since the examiner is only required to examine one invention per application, a clear understanding of the applicant's intended invention in relationship to claims 31-34 is required before art can be applied. Based upon the applicant's arguments regarding the difference in scope between Claim 31 and Claim 1, the examiner suspects that a restriction requirement may be necessary. However, until the applicant can identify how the specification describes the limitations found in Claim 31, the examiner can not properly restrict the claims.

- b. The applicant argues that Walker does not teach the reward criteria in which the amount of reward points is based upon a received payment amount which is below a minimum payment amount or the received payment was received after a due date. However, discloses on Page 7, lines 61-67 that behavior scores are valid reward criteria and can include extent of monthly payment or promptness of payment. Walker also discloses on Page 6, lines 15-29, that target monthly principle payments (Which represent a minimum payment amount, since

principle can only be paid once finance charges are covered) are valid target criteria.

- c. The applicant argues that the examiners interpretation of Walker's teaching regarding "determining the amount of reward points includes reducing the amount of reward points based on a determination that at least one of the received payment amount is below a minimum payment amount or the received payment was received after a payment due date" is not correct. The examiner has reviewed Walkers teaching in light of the applicant's arguments and stands by his original interpretation. The Walker reference teaches reducing the performance target to 90% of the original target. The applicant relies upon Fig 7, of Walker to assert that a reduction does not occur, but appears to have mistakenly misinterpreted the teaching of the Walker reference. The examiner points to Fig 8 of Walker to support his position. Fig. 8 discloses that a first target type and a first target parameter are determined. Then a performance value is determined. If the customer does not meet the performance value, a check is made to see if the performance was greater or less than 90% of the target. If it is less than 90% the target parameter is reduced and the second reward terms are set equal to the first reward terms. An example setting the second reward term as equal to the first reward term can be found in Fig. 4. Account ID 9999-9999-9999-9999 did not meet the first quarter target parameter so the target parameter was reduced and the reward terms remain the same. In order to determine how this results in a reduction, consider the annual amount of

reward points the customer can receive. Walker discloses that the customer does not receive the quarterly reward for the first quarter, but the quarterly reward for the second quarter is more attainable. If the customer fails to meet the second quarter target another reduction would occur to make the attainment of the reward more attainable. Each quarter in which the target is not reached to annual number of possible reward points decreases, but the ability to achieve a reward in the current quarter increases. Thus the limitations of the claim are taught by the Walker reference.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jvb

/Eric W. Stamber/
Supervisory Patent Examiner, Art Unit 3622

<i>Application Number</i> 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/996,944	CHANDAK ET AL.	
	Examiner	Art Unit	
	John Van Bramer	3622	